

## EIGHT HOURS A DAY

### HOW THE LAW WAS FIRST PASSED

**Sustained by the Courts and Suspended and Eradicated by Officials—The Resolution for Its Enforcement in the Senate—Letter from Wendell Phillips.**

The recent article in **THE REPUBLICAN** in relation to the eight-hour law has induced the members of the National Eight-Hour Delegation who are here representing the organized bodies of workmen all over the country, in endeavoring to secure the enforcement of the eight-hour law of June 25, 1868, to furnish **THE REPUBLICAN** reporter with further information of an interesting character on this point. When the law was enacted in the plain and straightforward language of section 3708 of the Revised Statutes, published in last Saturday's issue of **THE REPUBLICAN**, the officers of the army, navy, and other Departments of Government did not issue circulars embodying the law to all their subordinates, but, on the contrary, so carefully kept all knowledge of the law from

**PATRIOTIC FIRMNESS OF GENERAL GRANT,** who, by his executive proclamation, called attention to the non-enforcement of this law, that many of our men were being discharged from the army by the law. One of these, Arthur Martin, who was an employee at the Naval Academy at Annapolis, Md., on learning of the existence of this law, demanded that the court should be held at his place of employment, so that he might be discharged from his place and put another man in his place. Martin submitted for two years, and under this law he was discharged for more than 20 hours a year. He then sued the Government for the Court of Claims for the wages earned by the extra service. The Court of Claims unanimously gave judgment in his favor. The Government took an appeal to the Supreme Court, and the Supreme Court, in the opinion of the court, holding that Martin's submission to work rather than be discharged was to be held as creating a new contract between Martin and the Government, whereby Martin was held to waive his right to the eight-hour law. This decision practically nullified the law.

and was so acceptable to the officers of the army and navy and other Departments that they immediately issued orders which were circular in shape and of official order, which had the effect of making it binding upon all the military and naval officials of the Supreme Court in the Martin case, for the instruction of subordinate officials. (Adjutant-General Townsend's general orders No. 25, of March 27, 1877, and ordinance orders No. 12, of April 6, 1877; General Order No. 10, of May 1, 1877, and Secretary of War's general order No. 10, of May 1, 1877.) This law I have found either in print or by word of mouth or nothing. Its terms are not obscure. Its language is brief and direct. Yet, when it was attempted to avoid its provisions under the "way around the law" suggested by the *alter doli* doctrine, Mr. Justice Hunt in the Martin case (*4 Otto, 499*), said that he had been told by some one of his government from controlling workmen, laborers, and mechanics to labor for more than eight hours a

day, there was found and presented by the friends of the eight-hour law another law which plainly declares that in all *contracts* for labor or material, the contractor shall be bound to employ men, and shall let the contract to the lowest responsible bidder, and shall have the contract reduced to writing and secured by proper sureties.

THE CONTRACT DOUBT

It is not surprising that some made this law, Mr. Secretary Thompson commencing the matter by allowing the eight-hour law to be enforced from October to March inclusive and by nullifying it for the remainder of the year; and this he claimed to be the action that secured an "administrative" veto. Congress never nullified the law, but gave administrative discretion in reference to the laws which it enacted save in express terms, and the issue is raised by this attitude of the present administration directly between the public policy

By way of contrast with the statesmanlike course of General Grant when he was President, the administration of Mr. Hayes shows to very poor advantage, both in its treatment of a grave matter and of the dignity of Congress. Another case that

REACHED THE SUPREME COURT

was that of James Driscoll, October term for 1877. Here was an employee employed by Contractor (9 Ordway in cutting and boxing stone for the new

State Department. The tools and buildings were the property of the Government, and the men were on duty every day, and were paid by the Government officials. They were under the direction of Supervising Architect A. E. Mullett. His orders to Ordway in relation to the men were obeyed. On June 11, 1872, while Driscoll was employed on this work, Mr. Mullett issued an order to Ordway, saying: "You will please give the mechanics and laborers engaged by you on the work of cutting and sawing the logs for the Government the benefit of the eight-hour law from and after the date of this letter. It is not expected that any reduction will be made on this account." But before March, 1873, Mullett told Ordway that he would again make ten hours a day's work and pay accordingly, and to this change the men had to submit or be discharged.

He recovered before the Court, and Chalmers, as Martin had done. His case was appealed by the Government to the Supreme Court. That tribunal held that he could not recover, on the ground that he was not an employee of the Government—a thing that no one had suspected up to that time, and which he had holding that he was not a deny. Now, just why a supervising Architect can exercise the power to enforce or nullify a law of Congress at his pleasure and in his official capacity in one of those things which no fellow can out and; and why the Cabinet and subordinate officials of the Government should deem themselves aggrieved by Congress and sue for damages is more than the average citizen can fathom. These men do not pay the "workmen, laborers,

and mechanics of the Government "out of their own pockets, yet they evidently derive some advantage, or think they do, from nullifying this wise and just law. Is it that they wish to secure from a popular vote the right to give several Departments little for labor and as much for display and luxury as possible?

WHAT THE POINT OF THE ADMINISTRATION in appealing and pursuing and influencing the Supreme Court by its expressed wishes to evade this law may mean is hard to guess, but that it is not the least of the evils of the Government, the selfish and enervated and crested of this age there can be no doubt. The pending resolution that is now in the Senate is declaratory, mandatory, and explanatory. It tells the officers of the Government that Congress means just what it says. In the law of 1868, and directs that if it is not obeyed, it shall be enforced or repealed. The House of Representatives has said by a two-third vote that it should be enforced. The duty of the Senate is a

main one—either concert with the House, or pass a repeal of the law.

But I am sure you who has the matter in charge in the Senate, recently received the following letter from

WENDELL PHILLIPS,

whose deep interest in all matters pertaining to the welfare of the workingman is well known.

Boston, Jan. 28, 1881.

MY DEAR SIR: I want to thank you most sincerely for the kindness you've shown and the aid you've given me in my cause.

But this is not my main reason for writing you now. It is rather to tell you how gratefully I watched the close contest about this measure you have given to all legislation in behalf of *labor* in the Senate. The friends of the recognition of *labor* as one of the best friends, I am glad and proud to see that you agree with me in considering it the only original and successful anti-slavery movement, and perhaps the next great effort of civilization and Christianity.

But I am sure many of our friends, especially you have always met the question in the Senate, and of the watchful oversight you have kept of it there. With sincere esteem, and a grateful remembrance,

WENDELL PHILLIPS.

SENATOR BUTCH.

**The Funding Bill.** The funding bill, as it passed the Senate, will be sent in to the House to-day, with a request for a committee of conference on the Senate amendments. It is generally believed that Speaker Randall will appoint a committee that will agree to the amendments, and that Carlisle will be chairman of the committee. The only point of difference between the two Houses which is likely to provoke any discussion is the question of the amount to be advanced the Secretary of the Treasury for the expense of issuing and placing the new bonds, which the Senate raised from a quarter to one-half of one per cent. of the entire amount.

Sergeant Goff, with a number of members of Congress—members of the Naval Commission and both Houses—will visit Norfolk the latter part of this week. The first part of next month will be spent at the yard. There will also be a dispatch, and he away from the city several days.

Captain Thomas H. Bradley, first lieutenant of the Twenty-first Infantry, is on duty at the War Department, in charge of the requisitioning of supplies. He has been absent about fifteen years, away from his regiment. Colonel J. M. Morrow of the Twenty-first Infantry, has accompanied him. It is understood that Captain Bradley sent to his company. It is understood that the adjutant-general is in favor of sending Captain Bradley back to his regiment. It is understood that the latter has gone to Mentor on personal business.

limit suit the Senator? I want to protect the Treasury from this raid in some way.

Mr. Davis said he would agree to a limit of \$1,200,000, but subsequently indicated his willingness to assent to the smaller amount.

Mr. Davis then moved a proviso that the total cost of the lands described shall not exceed \$1,000,000.

Mr. McMillan, in reply to an inquiry, was informed by Mr. Voorhees that the intention was to obliterate East Capitol street.

Further debate followed, participated in by Messrs. Garland, Macey, Thurman, Beck, and Voorhees, in which the right of the Government to condemn the property was questioned, and the legality of the condemnation of the property at the foot of Capitol Hill, on Pennsylvania avenue, was asserted and denied.

Mr. Windom, who had voted for Mr. Morrill's

**An enthusiastic meeting** in behalf of Ireland and against the coercion bill was held at the residence of John W. Forney and others spoke.

**Tutz failure of Emanuel Morris**, wholesale dealer in dry goods, with a New York office at 209 Canal street, and stores at Corpus Christi, San Antonio, El Paso, Mexico, Tex., reported, with liabilities at \$100,000.

**ABOUT four hundred maulers** were on a strike yesterday in Cincinnati for an increase of twenty-five per cent. in wages, which had refused to strike for the benefit of Union 28.

**IT DOES NOT include** those maulers.

**JOSEPH LUCAS**, eighty-five years of age, residing at Lewistown, Burlington County, was killed by a passing train near Pemberton Saturday night. The old man was walking on the tracks quite deaf, and did not hear the approaching train.

inspired by this sentiment now so high an altitude that it is not probable that the Government will exhibit more energy than has characterized his administration since he has had the matter in charge.

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